

From: Jim Beasley [jbeasley@ausley.com]  
Sent: Wednesday, June 24, 2009 4:53 PM  
To: Filings@psc.state.fl.us  
Cc: Katherine Fleming  
Subject: TECO's Obj. to NRDC-SACE 1st PODs

Attachments: Obj. NRDC-SACE 1st PODs.pdf



Obj.  
E 1ST PC

Electronic filing

a. Person responsible for this electronic filing:

James D. Beasley  
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b. Docket No. 080409-EG

In re: Commission review of numeric conservation goals (Tampa Electric Company)

c. The document is being filed on behalf of Tampa Electric Company

d. There is a total of 7 pages, plus cover letter

e. The document attached for electronic filing is Tampa Electric Company's June 24, 2009 is Tampa Electric's Objection to NRDC's and SACE's First Request for Production of Documents (Nos. 1-3)

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DOCUMENT NUMBER-DATE

06345 JUN 24 8

FPSC-COMMISSION CLERK



# AUSLEY & McMULLEN

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June 24, 2009

HAND DELIVERED

Ms. Ann Cole, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Commission review of numeric conservation goals (Tampa Electric Company);  
FPSC Docket No. 080409-EG

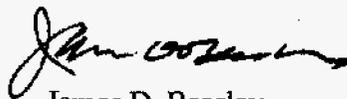
Dear Ms. Cole:

Enclosed for filing in the above docket, on behalf of Tampa Electric Company, are the original and fifteen (15) copies of Tampa Electric Company's Objections to NRDC's and SACE's First Request for Production of Documents (Nos. 1-3).

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,



James D. Beasley

JDB/pp  
Enclosure

cc: All parties of record (w/enc.)

DOCUMENT NUMBER-DATE

06345 JUN 24 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric conservation goals (Florida Power & Light Company).

DOCKET NO. 080407-EG

In re: Commission review of numeric conservation goals (Progress Energy Florida, Inc.).

DOCKET NO. 080408-EG

In re: Commission review of numeric conservation goals (Tampa Electric Company).

DOCKET NO. 080409-EG

In re: Commission review of numeric conservation goals (Gulf Power Company).

DOCKET NO. 080410-EG

In re: Commission review of numeric conservation goals (Florida Public Utilities Company).

DOCKET NO. 080411-EG

In re: Commission review of numeric conservation goals (Orlando Utilities Commission).

DOCKET NO. 080412-EG

In re: Commission review of numeric conservation goals (JEA).

DOCKET NO. 080413-EG

FILED: June 24, 2009

**TAMPA ELECTRIC COMPANY'S OBJECTIONS TO NRDC'S AND SACE'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-3)**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rule 1.350, Florida Rules of Civil Procedure, and Rule 28-106.206, Florida Administrative Code, submits the following objections to the Natural Resources Defense Council ("NRDC's") and Southern Alliance for Clean Energy's ("SACE's") First Request for Production of Documents (Nos. 1-3).

**I. Preliminary Nature of Objections**

Tampa Electric's objections stated herein are preliminary in nature. Tampa Electric is furnishing its objections consistent with the time frame set forth in the Commission's Order

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FPSC-COMMISSION CLERK

Consolidating Dockets and Establishing Procedure, Order No. PSC-08-0816-PCO-EG dated December 18, 2008 (as revised by Order No. PSC-09-0152-PCO-EG dated March 12, 2009), and Rule 1.190(e), Florida Rules of Civil Procedure. Should additional grounds for objection be discovered as Tampa Electric develops its responses, Tampa Electric reserves the right to supplement or modify its objections up to the time it serves its responses. Should Tampa Electric determine that a protective order is necessary regarding any of the information requested of Tampa Electric, Tampa Electric reserves the right to file a motion with the Commission seeking such an order at the time its response is due.

## **II. General Objections**

Tampa Electric objects to each and every request for documents that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time response is first made or is later determined to be applicable for any reason. Tampa Electric in no way intends to waive such privilege or protection. The nature of the document(s), if any, will be described in a privilege log prepared by Tampa Electric.

In certain circumstances, Tampa Electric may determine, upon investigation and analysis, that information responsive to certain discovery requests to which objections are not otherwise asserted are confidential and proprietary and should not be produced without provisions in place to protect the confidentiality of the information, if at all. By agreeing to provide such information in response to such request, Tampa Electric is not waiving its right to insist upon appropriate protection of confidentiality by means of a protective order or other action to protect the confidential information requested. Tampa Electric asserts its right to require such protection

of any and all documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

Tampa Electric is a large corporation with employees located in many different locations. In the course of business, Tampa Electric creates numerous documents that are not subject to Florida Public Service Commission or other governmental record retention requirements. These documents are kept in numerous locations and frequently are moved from site to site as employees change jobs or as business is reorganized. Therefore, it is possible that not every relevant document may have been consulted in developing Tampa Electric's responses. Rather, these responses provide all the information that Tampa Electric obtained after a reasonable and diligent search conducted in connection with these discovery requests. To the extent that the discovery requests propose to require more, Tampa Electric objects on the grounds that compliance would impose an undue burden or expense on it.

Tampa Electric objects to any production location other than Tampa Electric's offices at 702 N. Franklin Street, Tampa, Florida.

Tampa Electric objects to each request to the extent that it seeks information that is not relevant to the subject matter of these dockets and is not reasonably calculated to lead to the discovery of admissible evidence.

Tampa Electric objects to each request to the extent it is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests. Any responses provided by Tampa Electric to NRDC's and SACE's First Request for Production of Documents (Nos. 1-3) will be provided subject to, and without waiver of, the foregoing objection.

Tampa Electric objects to each discovery request to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Sections 90.506 and 366.093(3)(a), Florida Statutes.

Tampa Electric also objects to these discovery requests to the extent they call for Tampa Electric to prepare information in a particular format or perform calculations or analyses not previously prepared or performed as purporting to expand Tampa Electric's obligations under applicable law. Tampa Electric will comply with its obligations under the applicable rules of procedure.

Tampa Electric objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available to NRDC and SACE through normal procedures.

Tampa Electric objects to each discovery request and any definitions and instructions that purpose to expand Tampa Electric's obligations under applicable law.

In addition, Tampa Electric reserves its right to count discovery requests and their sub-parts as permitted under the applicable rules of procedure and Order No. PSC-08-0816-PCO-EG, in determining whether it is obligated to respond to additional requests served by any party.

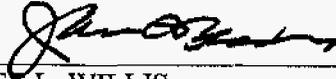
### **III. Specific Objections**

Tampa Electric objects to NRDC and SACE's Production Request No. 1 to the extent that it would require the disclosure of confidential customer-specific information including names, addresses, account numbers and the like.

Notwithstanding any of the foregoing general objections and without waiving these objections, Tampa Electric intends in good faith to respond to NRDC's and SACE's discovery requests, subject to the specific objection set forth above.

DATED this 24<sup>th</sup> day of June, 2009.

Respectfully submitted,



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LEE L. WILLIS  
JAMES D. BEASLEY  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32302  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Objections to NRDC and SACE's First Request for Productions of Documents (Nos. 1-3), filed on behalf of Tampa Electric Company, has been furnished by hand delivery(\*) or U. S. Mail on this 24<sup>th</sup> day of June 2009 to the following:

Katherine E. Fleming  
Senior Attorney  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
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Tallahassee, FL 32301

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Mr. R. Alexander Glenn  
Progress Energy Service Company, LLC  
P. O. Box 14042  
St. Petersburg, FL 33733-4042

Mr. E. Leon Jacobs, Jr.  
Williams & Jacobs, LLC  
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Tallahassee, FL 32301

Ms. Suzanne Brownless  
Suzanne Brownless, P.A.  
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V.P., Governmental Relations  
Jacksonville Electric Authority  
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Jacksonville, FL 32202-3158

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Lakeland Electric  
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Lakeland, FL 33801

Mr. Jeremy Susac  
Executive Director  
Florida Energy and Climate Commission  
c/o Governor's Energy Office  
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Tallahassee, FL 32399-0001

Ms. Susan D. Ritenour  
Secretary and Treasurer  
Gulf Power Company  
One Energy Place  
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Mr. Chris Browder  
Orlando Utilities Commission  
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Orlando, FL 32802-3193

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Mr. Norman H. Horton, Jr.  
Messer Caparello & Self  
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Tallahassee, FL 32317

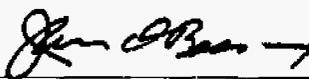
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Mr. Jack Leon  
Mr. Wade Litchfield  
Florida Power & Light Company  
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Tallahassee, FL 32301-1859

  
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ATTORNEY